

Call to Order:

The meeting was called to order at 7:00 p.m. Present were Chair, Joan Duff, members Linn Anderson (using audio conferencing), Jay Doherty, Vincent Chiozzi, John McDonnell. Also present were Paul Materazzo, Director of Planning and Jacki Byerley, Planner.

Chair, Joan Duff opened the meeting and reviewed 940 CMR 94.10 participation in public meeting remotely and noted that Ms. Anderson could not be at the meeting due to a family emergency and geographic distance. Ms. Duff asked all persons present at the meeting if they could clearly hear Ms. Anderson. The people in the audience answered in the affirmative that they could hear Ms. Anderson clearly.

Pine Forest Park:

The Board took up its continued deliberations on an application by Angelo Petrosino for a proposed 11-lot Definitive Subdivision and a Special Permit for Earth Movement entitled Pine Forest Park located off Flash Road, North Reading, Massachusetts, Assessors' Map 104 Lot 3.

Ms. Byerley noted that the Board's question regarding a flooding contingency plan for school busing is in condition # 23 letter l.

Ms. Anderson noted she sent revisions to a memo to the Board from Ms. Byerley dated February 18, 2012. Ms. Anderson reviewed Ms. Byerley memo to the Board dated February 8, 2012, which addressed departmental reviews and concerns including:

- Compliance with Section VI and Section VII of the Rules and Regulations Governing the Subdivision of Land in the Town of Andover
- Reviewed the criteria of 9.4.2 of the Zoning By-law
 - Traffic flow and safety

Mr. Doherty noted that he is concerned with emergency response times and maintenance of the cistern.

Ms. Byerley reviewed condition # 17, which addresses concerns regarding traffic and safety. Following a detailed discussion regarding condition # 17 and other remote areas in town, the Board reached consensus that traffic and safety concerns have been adequately addressed.

Ms. Duff noted her concerns regarding the cistern system and the lack of a connection to public water. Ms. Byerley noted that conditions # 44-47 address these concerns. Ms. Anderson noted her concern that prospective purchasers would not be advised of the conditions of the property. Mr. McDonnell suggested a disclosure in the deeds referencing the restrictive covenants and cross referencing the Homeowners' Association (HOA) in the deed. The Board suggested a new condition 50 shall read:

A copy of these conditions shall be attached as an exhibit to the Homeowners' Association document recorded at the Registry of Deeds. A further disclosure of the existence of these conditions shall be referenced in the deeds for the eleven lots in the subdivision in a form acceptable to Town Counsel.

Mr. Doherty requested that the Homeowners' Associations document require the Town be named as an additional insured with coverages in the amount of \$1,000,000 for each occurrence for bodily injury and

Pine Forest Park (cont.):

property damage with \$2,000,000 dollar annual aggregate. Ms. Byerley suggested adding that to condition # 23 as a new letter “m”.

On a motion by Ms. Anderson and seconded by Mr. McDonnell, the Board finds that the application for a definitive subdivision plan entitled Pine Forest Park, appropriately conditioned, is in conformance with the Subdivision Control Law, the Rules and Regulations Governing the Subdivision of Land in the Town of Andover, the recommendation of the Board of Health and also complies with the applicable provisions of the Andover Zoning By-law, and that the Board therefore votes to approve the Pine Forest Park Definitive Subdivision Plan subject to the 49 conditions listed in Ms. Byerley memo to the Board dated February 17, 2012, with the following two amendments:

A new condition # 50 shall read:

A copy of these conditions shall be attached as an exhibit to the Homeowners' Association document recorded at the Registry of Deeds. A further disclosure of the existence of these conditions shall be referenced in the deeds for the eleven lots in the subdivision in a form acceptable to Town Counsel.

A new condition # 23 (m) shall read:

The town of Andover shall be named as an additional insured in the amount of \$1,000,000 for each occurrence for bodily injury and property damage with \$2,000,000 dollar annual aggregate.

Mr. Doherty voting yes, Mr. Chiozzi voting yes, Ms. Anderson voting yes, Mr. McDonnell voting yes and Ms. Duff voting yes, **Vote:** Unanimous (5-0)

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board finds that the Pine Forest park subdivision, appropriately conditioned, complies with the requirements of Sections 6.3 and 9.4 of the Andover Zoning By-laws; that the proposed use of this site for residential development will not be unreasonably detrimental to the established or future character of the neighborhood and town; that such use is in harmony with the general purpose and intent of the Zoning By-law, and that the Board therefore vote to approve the application for a Special Permit for Earth Movement for the Pine Forest Park Subdivision subject to the 49 conditions listed in Ms. Byerley memo to the Board dated February 18, 2012 with the following changes:

A new condition # 50 shall read:

A copy of these conditions shall be attached as an exhibit to the Homeowners' Association document recorded at the Registry of Deeds. A further disclosure of the existence of these conditions shall be referenced in the deeds for the eleven lots in the subdivision in a form acceptable to Town Counsel.

In condition # 23 (m) shall read:

The town of Andover shall be named as an additional insured in the amount of \$1,000,000 for each occurrence for bodily injury and property damage with \$2,000,000 dollar annual aggregate.

Pine Forest Park (cont.):

Mr. Doherty voting yes, Mr. Chiozzi voting yes, Ms. Anderson voting yes, Mr. McDonnell voting yes and Ms. Duff voting yes, **Vote:** Unanimous (5-0);

It should be noted that Ms. Anderson excused herself from the rest of the meeting and ended the audio conferencing at 8:05 p.m.

Warrant Articles 2012 Town Meeting (cont.):

The Board opened the public hearing on the proposed preliminary warrant article # P-41 to amend Section 3.2.1 (Specific Accessory Uses) of the Zoning By-law by adding the following language to the end of the section:

Take-out service in sit-down restaurants. A sit-down restaurant may offer take-out service, provided that such service shall be available only during the hours when sit-down service is also available.

Ms. Byerley reviewed her memo to the Board dated February 21, 2012 outlining the proposed amendments. Following a discussion by the Board and after opening the discussion to the public and hearing no comment; and on a motion by Mr. Chiozzi seconded by Mr. Doherty the Board voted to close the public hearing on the proposed preliminary warrant article # P-41 to amend Section 3.2.1 (Specific Accessory Uses) of the Zoning By-law by adding the following language to the end of the section:

Take-out service in sit-down restaurants. A sit-down restaurant may offer take-out service, provided that such service shall be available only during the hours when sit-down service is also available.

On a motion by Mr. Chiozzi seconded by Mr. Doherty the Board voted to close the public hearing on the proposed preliminary warrant article # P-41 to amend Section 3.2.1 (Specific Accessory Uses) of the Zoning By-law. **Vote:** Unanimous (4-0)

On a motion by Mr. Chiozzi seconded by Mr. Doherty the Board voted to recommend approval of on the proposed preliminary warrant article # P-41 to amend Section 3.2.1 (Specific Accessory Uses) of the Zoning By-law as written in the warrant. **Vote:** Unanimous (4-0)

The Board opened the public hearing on the proposed preliminary warrant article # P-49 to amend Section 8.2 Flood Hazard Overlay District. Ms. Byerley reviewed her memo to the Board dated February 21, 2012 and noted the changes bring the bylaw fully up to date and in compliance with FEMA requirements for participation in the national Flood Insurance Program. Following a brief discussion and after opening the discussion to the public.

On a motion by Mr. McDonnell seconded by Mr. Chiozzi the Board voted to close the public hearing on the proposed preliminary warrant article # P-49 to amend Section 8.2 Flood Hazard Overlay District. **Vote:** Unanimous (4-0)

On a motion by Mr. McDonnell seconded by Mr. Chiozzi the Board voted to recommend approval of on the proposed preliminary warrant article # P-49 to amend Section 8.2 Flood Hazard Overlay District of the Zoning By-law by deleting the current Section 8.2 in its entirety and replace it with the language as written in the warrant. **Vote:** Unanimous (4-0)

Warrant Articles 2012 Town Meeting (cont.):

The Board took up the discussion of the proposed warrant articles P-32 Balmoral Dam Removal Eminent Domain taking and P-33 Construction Easement Eminent Domain taking. Mr. Materazzo reviewed his memo to the Board dated February 23, 2012. Mr. Thomas Ardito, Director of Center for Ecosystem Restoration working with the Conservation Commission gave an overview of a PowerPoint presentation which included the existing dam, the removal of the dam structure, the recorded easement plan, noted they are in the engineering and permitting phase which can take 1 to 3 years. Mr. Chiozzi questioned the dam removal process. Mr. Ardito reviewed the removal process and noted that the permitting will take about 1 year. Mr. McDonnell questioned why they had to file with MEPA. Mr. Ardito noted the permit includes the Stevens Street Dam, which requires a MEPA filing. After opening the discussion to the public and on a motion by Mr. McDonnell seconded by Mr. Doherty the Board voted to close the discussion of the proposed preliminary warrant articles P-32 Balmoral Dam Removal Eminent Domain taking and P-33 Construction Easement Eminent Domain taking. **Vote:** Unanimous (4-0)

On a motion by Mr. McDonnell seconded by Mr. Doherty the Board voted to recommend approval of the proposed preliminary warrant articles P-32 Balmoral Dam Removal Eminent Domain taking and P-33 Construction Easement Eminent Domain taking. **Vote:** Unanimous (4-0)

The Board took up the discussion of the proposed preliminary warrant articles P-35 Town Yard – Acquisition of 65 River Road; P-36 Town Yard - Acquisition of 5 Campanelli Drive Design & Construction; and P-36 Town Yard – Acquisition of 5 Campanelli Drive Acquisition and Design.

Mr. Materazzo reviewed his memo to the Board dated February 24, 2012 including a history of the town yard starting in 2007 with the withdrawal of the town yard article, the 2009 town meeting approval of the 40R district and the 2010 study of the relocation process for the town yard. Rick Feldmen, Chair of the Town Yard Task Force, delivered a presentation that included an overview of the locations, the existing conditions of the town yard site on Lewis Street, the cost of the redevelopment of the existing town yard, and the benefits to the town if the town yard is moved to Campanelli Drive. He also reviewed the site search process that was performed through a request for proposals (RFP), access to the Merrimack River, and the benefits to Andover for purchasing the site. The Board suggested the Task Force include a slide regarding the value of the real estate in today's economy, the value of the Lewis Street property and suggested breaking up the land cost with the construction cost. Steve Cotton, a member of the Town Yard Task Force, noted that the Planning Board started the Town Yard process 2007 and the Task Force has found a site that would cost less and would be more efficient. Mr. Doherty questioned the marsh and the potential of salt run off from the site. Mr. Feldman noted that stormwater management would be part of the project. Ms. Samburg of 4 Woburn Street questioned what other facilities would be moved to the new Town Yard and questioned if the existing storage near her house would be moved. Mr. Materazzo noted that the site is being used for staging for water and sewer improvements but would check with DPW and get back to her. Richard Samburg of 4 Woburn Street noted that cash flow projections for the existing town yard should be presented at Town Meeting. Steve Fink of 26 Bateson Drive spoke in favor of the project and reviewed the benefits of the project to the town. Mr. Materazzo gave an overview of

Warrant Articles 2012 Town Meeting (cont.):

P-34 acquisition of 65 River Road. On a motion by Mr. McDonnell, the Board voted to recommend approval of the proposed preliminary warrant articles P-35 Town Yard – Acquisition of 65 River Road; P-36 Town Yard - Acquisition of 5 Campanelli Drive Design & Construction.

Vote: Unanimous (4-0)

Adjournment: The meeting was adjourned 9:25 p.m.